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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,348	10/14/2003	Dale W. Malik	190250-1330	7196
38823 7590 10/01/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ AT&T BLS Intellectual Property, Inc. 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,348	<b>Applicant(s)</b> MALIK, DALE W.	
	<b>Examiner</b> Tauqir Hussain	<b>Art Unit</b> 2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/07/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This office action is responsive to a request for continued examination filed on 09/07/2007. Claims 1, 10, 14, 19 and 20 have been amended. Claims 1-22 are pending in this application.
2. The text of those sections of Title 35 U.S.C 102 and 103(a) not included in this action can be found in a prior Office Action.
3. Lee, Arnold, Manabe and Glasser have been cited as prior arts in the last office action. The teachings that applicable are respectfully maintained and incorporated by reference as set forth in the last office action.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 1 recites "Prompting the sender to send the instant message to a second recipient and indicating, by the first recipient, that the IM message originated from the sender". It is not clear whether the first recipient forwards the IM message to the second recipient or sender sends the IM message to second recipient.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8-14, 17--20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Daniell et al. (Pub. No.: US 2006/0248157 A1), hereinafter "Daniell".

6. As to claims 1 and 10, Lee discloses, a communication method comprising:  
receiving an instant messaging (IM) message from a sender to a first recipient (Lee, [0057, lines 1-4], where Instant Message is sent to a user who could be the first user to receive the IM message);

waiting a predefined time interval for an input from the first recipient, the input being responsive to the IM message (Lee, [0060, lines 3-5], where predetermined time interval is disclosed);

determining whether input from the first recipient is received during the predetermined time interval (Lee, [0060, lines 5-7], where agent determines if the if time is exceeded for response); and

in response to determining that no input from the first recipient is received during the predetermined time interval (Lee, [0060, lines 5-7], where agent determines if the time is exceeded for response). Lee however is silent on disclosing explicitly, prompting the sender to send the instant message to a second recipient and indicating, by the first recipient, that the IM message originated from the sender. However, Daniell discloses, prompting the sender to send the instant message to a second recipient and indicating, by the first recipient, that the IM message originated from the sender (Daniell, [0044, lines 16-39] and [100], where user is prompt to sent the message to secondary device

where secondary device could be a second user after not getting a reply for predetermined amount of time and since message is forwarded from the primary device to secondary device the header information of the message is the indication of origination of the message).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee with the teachings of Daniell in order to provide a systems and methods for client proxy-ing instant messaging system, to forward an E-mail message to a user when instant messages from a sender cannot be forwarded to a secondary IM processing device comprise a primary IM processing device configured to send and receive E-mail messages and a router configured to route E-mail messages between the primary IM processing device and a sender's processing device.

7. As to claims 5 and 14, Lee and Daniell disclose the invention substantially as independent claims 1 and 10 above, including, receiving an instant messaging (IM) message from a first sender to a recipient (Lee, [0057, lines 1-4], where Instant Message is sent to a user who could be the first user to receive the IM message);

determining whether input from the recipient is received during a predetermined time interval (Lee, [0060, lines 5-7], where agent determines if the if time is exceeded for response);

in response to determining that no input is received during the predetermined time interval (Lee, [0060, lines 5-7], where it is established that agent determines if the if time is exceeded for response) determining whether the recipient is engaged in an IM

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chat session with a second sender (Lee, [0048, lines 3-7], where invitee/recipient has the status indicator that he will not attend or will attend or busy with other meetings, since it is well known in the art to that status can be customize as per user preferences, therefore user can select the status option to display as busy chatting with 2<sup>nd</sup> or 3<sup>rd</sup> user); and

in response to determining that the recipient is engaged in an IM chat session with the second sender, replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender (Lee, [0048, lines 3-7], where invitee/recipient has the status indicator that he will not attend or will attend or busy with other meetings, since it is well known in the art to that status can be customize as per user preferences, therefore user can select the status option to display as busy chatting with 2<sup>nd</sup> or 3<sup>rd</sup> user), prompting the sender to send the instant message to a second recipient and indicating, by the first recipient, that the IM message originated from the sender (Daniell, [0044, lines 16-39] and [100], where user is prompt to sent the message to secondary device where secondary device could be a second user after not getting a reply for predetermined amount of time and since message is forwarded from the primary device to secondary device the header information of the message is the indication of origination of the message).

8. As to claim 19 and 20 are rejected for the same rationale as applied to claim 1, 5, 10 and 14 above.

9. As to claim 22, Lee and Daniell disclose the invention substantially as in parent claim 20, including, message-generation logic configured to generate a message, the message being indicative of the recipient's unavailability to engage in an IM chat session (Lee, [0048, lines 3-7], where status indicator is indicative of the recipient's unavailability to engage in an IM chat session).

10. As to claims 2 and 11, Lee and Daniell disclose the invention substantially as in parent claims 1 and 10 above, including, providing a message indicating the recipient's unavailability to engage in an IM chat session (Lee, [0045, lines 8-10], where displaying status of user being taking a vacation day is indication that user's unavailability to chat on that particular day).

11. As to claim 9 and 18 are rejected for the same rationale as applied to claims 2 and 11.

12. As to claims 3 and 12, Lee and Daniell disclose the invention substantially as in parent claims 1 and 10 above, including, providing a message requesting the sender to wait for a predetermined time period (Daniell, Fig.11, [0020], where auto replay is discloses, further it is well know in the art to set auto reply according the user's preferences).

13. As to claims 4 and 13, Lee and Daniell disclose, the invention substantially as in parent claim 1 and 10, including,

Periodically providing messages (Daniell, [0037, lines 7-14], where message is queried periodically for presence information), the messages periodically being provided at predefined time intervals (Daniell, [0037, lines 7-14], where message is queried periodically for presence information), each message indicating the recipient's unavailability to engage in an IM chat session during the corresponding predefined time interval ((Daniell, [0037, lines 7-14], where message is queried periodically for presence information, where each query is a message and presence status could be the unavailability of user).

14. As to claims 8 and 17 are rejected for the same rationale as applied to claims 4 and 13 above.

15. Claims 6-7 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Daniell in view of Manabe.

16. As to claims 6 and 15, Lee and Daniell disclose the invention substantially as in parent claims 5 and 14 above. Lee and Daniell however, are silent on disclosing explicitly, waiting a predefined time interval prior to replying to the IM message. Manabe, however discloses, waiting a predefined time interval prior to replying to the IM message (Manabe, Abstract, where detection of a keystroke or keyword, judges user status based on the status of the user terminal means when recipient replies to a message, a sender can see the status of the recipient as recipient is writing, therefore, sender can wait until recipient finish writing to conduct a smooth conversation in real time).



Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee and Daniell with the teachings of Manabe in order to provide a real-time status of a user called be a keyword is reported to a users engaged in IM chat session.

17. As to claims 7 and 16, Lee, Daniell and Manabe disclose the invention substantially as in parent claims, 5 and 14, including, indicating to the first sender that the recipient is engaged in an IM chat session with the second sender (Manabe, Col.1, lines 55-60, where another application could be a chat session with second user).

18. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Daniell in view of Glasser.

19. As to claim 21, Lee and Daniell disclose the invention substantially as in parent claim 20. Lee and Daniell are however silent on, a timer configured to track elapsed time from a receiving of an M message. Glasser however discloses, a timer configured to track elapsed time from a receiving of an M message (Glasser, Abstract, where each message is measure by a timer).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Lee and Daniell with the teachings of Manabe in order to provide a system for promoting smooth communications in a chat system. A keyword list 3 stores keywords. A keyword-detection module 2 detects the sending of any keyword from another user terminal on

any channel. A status-detection section 4, in response to the detection of a keyword, judges user status based on the status of the user terminal.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

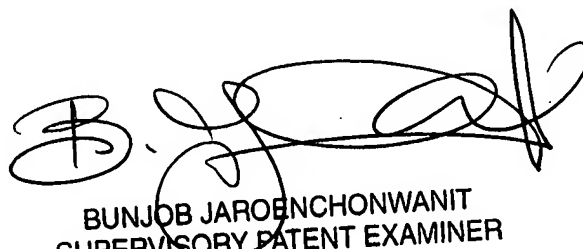
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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TH



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SUPERVISORY PATENT EXAMINER  
9/27/7